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# United States Senate

COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS  
WASHINGTON, DC 20510-6250

September 28, 2005

The Honorable Donald Rumsfeld  
Secretary  
Department of Defense  
Washington, DC 20301

Dear Mr. Secretary:

Pursuant to its authority under Rule XXV(k)(1) of the Standing Rules of the Senate, Section 101 of S. Res 445 (108th Congress), and Section 11(e) of S. Res 50 (109th Congress), the Committee on Homeland Security and Governmental Affairs has initiated an investigation into the Nation's preparedness for, and response to, Hurricane Katrina. To aid in this investigation, we request that the Department of Defense provide the committee (in accordance with the attached definitions and instructions) the following information and documents:

1. Describe each of the Department's roles, responsibilities and authorities in providing any emergency support function under the National Response Plan. With respect to each specific role, responsibility or authority, please identify:

- a. The statutory, regulatory or other source for that role, responsibility or authority;
- b. The component or components within the Department involved in acting pursuant to that authority or discharging that role and responsibility;
- c. The key personnel involved in acting pursuant to that authority or discharging that role and responsibility.
- d. If the Department's role differs with respect to Stafford Act and non-Stafford Act events, please describe the difference.
- e. Describe specifically the role of the Joint Staff, NORTHCOM and defense coordinating officers (DCO's).

To the extent that sources identified in response to subpart (a) are not publicly available, please provide copies of them.

2. To the extent not provided in response to the previous question, please describe any other roles, responsibilities and authorities of the Department in preparing for and responding to a domestic emergency. With respect to each specific role, responsibility or authority, please identify:

- a. The statutory, regulatory or other source for that role, responsibility or authority;
- b. The component or components within the Department involved in acting pursuant to that authority or discharging that role and responsibility;
- c. The key personnel involved in acting pursuant to that authority or discharging that role and responsibility;

To the extent that the sources identified in response to subpart (a) are not publicly available, please provide copies of them.

3. Provide an organizational chart of the Department and any of its components involved in preparing for or responding to a domestic emergency and identify the individuals holding the key leadership and operational positions in those organizations.

4. Identify and provide copies of all after-action reports or other assessments prepared over the past five years under the direction of, or under contract through, the Department assessing the performance of Department elements, personnel, or programs in response to domestic emergencies, or exercises related to preparation for such emergencies, including but not limited to previous hurricanes.

5. Identify and describe the statutory authority, regulations, and policies governing (1) the use of Department personnel and assets to preserve or restore order in a law enforcement capacity in domestic emergencies, and (2) the use of force by Department personnel engaged in civil support or other domestic response activities.

6. Identify and describe any specific plans to utilize forces within the U.S. that NORTHCOM or any other command has developed to respond to emergencies or major disasters under the Stafford Act, or to similar types of domestic events.

7. Please describe any revisions made by NORTHCOM in or around August 2005 to the system of deployment orders related to the deployment of Department personnel and assets to prepare for and respond to the 2005 hurricane season. Please identify and provide any orders or directives from the Secretary of Defense and/or the Chairman of the Joint Chiefs of Staff upon which it was based, describe the revisions and how they changed previous procedures, and provide copies of the original orders and procedures, the revised orders and procedures related to the 2005 hurricane season, and any other similar orders or procedures directed towards specific domestic emergencies or emergency conditions since the creation of NORTHCOM. Describe the extent to which these revisions had been implemented as of August 24, the date the National Hurricane Center designated Katrina a hurricane.

8. Please describe any guidance provided to the Department in advance of Hurricane

Katrina, including, but not limited to guidance provided by the Chairman of the Joint Chiefs of Staff and/or the Secretary of Defense, to be prepared to respond to this domestic emergency. Please describe this guidance including the date and time they were issued, the manner in which they were issued, and provide copies of any orders, directives, memoranda or other related documentation memorializing this guidance.

9. Provide all documents that refer or relate to preparations made by the Department for Hurricane Katrina on or before August 29, 2005.

10. What specific actions, if any, did the Department take prior to the hurricane's landfall to place personnel or assets on alert or to pre-position them to respond to the event and (i) identify the units involved, (ii) the time and date action was taken, (iii) the authority under which these were actions taken, and (iv) the information or warnings were they based upon?

11. Detail (including specific dates, times, and the personnel involved) how and when the Department was first informed of the following events:

- a. That it would need to prepare for Hurricane Katrina.
- b. That the President issued emergency declarations for Louisiana, Mississippi and Alabama with respect to Katrina.
- c. That the President issued major disaster declarations for Louisiana, Mississippi and Alabama with respect to Katrina.
- d. That Hurricane Katrina was an Incident of National Significance.
- e. That the National Response Plan was activated.

12. When was Joint Task Force (JTF) Katrina established by NORTHCOM at Camp Shelby, Mississippi? Provide all documents relating to the establishment of JTF, including the order establishing the Joint Task Force and its mission. Describe the command and coordination relationships between NORTHCOM and the Joint Task Force Commander, and between the Joint Task Force Commander and the Title 10 (Active Duty) unit commanders and the on-scene National Guard Commanders. Describe any changes in these relationships which occurred between August 23 and September 6, 2005.

13. Provide all documents that refer or relate to communications between any senior official of FEMA or DHS, on the one hand, and any senior official of the Department, on the other, that refers or relates to Hurricane Katrina.

14. Describe all authorities that FEMA has to task, mission assign, or request assistance from the Department or any of its components with respect to emergencies or major disasters

under the Stafford Act. Describe all authorities that the Department of Homeland Security has to task, mission assign, or request assistance from the Department or any of its components with respect to emergencies or major disasters under the Stafford Act. Provide all documents that refer or relate to such authorities. Provide all documents that refer or relate to any tasking, mission assignments or requests received by the Department from FEMA or DHS in connection with Hurricane Katrina on or prior to September 6, 2005.

15. Provide all documents that refer or relate to any communications between the Army Corps of Engineers and any other element of the Department regarding Hurricane Katrina on or before September 6, 2005.

16. Identify each Defense Coordinating Officer (DCO) who served with respect to Hurricane Katrina on or before September 16, 2005. For each such individual, state when he or she was first notified of potential deployment, when the individual was actually deployed, and explain why the individual was selected as the DCO. Provide all documents that refer or relate to any communications by or to each DCO relating to Hurricane Katrina on or before September 16, 2005.

17. All notes, recordings, videotapes, transcripts and any other documents from meetings, teleconferences or video conferences relating to Hurricane Katrina or the preparation for or response to Hurricane Katrina on or before September 6, 2005.

18. All documents that refer or relate to any communication by or to the Department from any state or local official regarding Hurricane Katrina on or before September 6, 2005.

19. Describe the command and control structure for all Department assets involved in the response to Hurricane Katrina. Describe any issues that arose regarding the command and control of such assets. Provide all documents that refer or relate to such issues.

20. Identify key individuals familiar with, and describe the role of Title 10 (Active Duty) units in performing, search and rescue missions in connection with Hurricane Katrina, including their coordination with the U.S. Coast Guard, National Guard and any other agencies.

21. Describe the chain of command (both the organizations and the key individuals serving in those organizations) through which requests to the Department were made for deployment of Defense personnel and assets to respond to Hurricane Katrina and the process by which the operational commands, Joint Staff, and the Secretary of Defense assessed military capabilities and determined which assets to deploy for that purpose. Did this process change over the course of the response efforts? If so, how?

22. Identify and describe each request for assistance to respond to Hurricane Katrina after landfall on the Gulf Coast received by the Department. For each such request, please specify:

- i) the date and time it was received,
- ii) the organization and individual who received it,
- iii) the organization and individual who lodged the request,
- iv) the assistance requested,
- v) the Department's response to the request,
- vi) if action was taken, the legal authority under which the action was taken
- vii) the date and time orders were issued to fulfill the request,
- viii) the entity within the Department tasked to provide the assistance,
- ix) the key personnel involved in processing and responding to the request,  
and
- x) the date and time the requested assistance was actually provided.

Please provide copies of all communications related thereto between the Department and any requesting entity, within the Department, between the Department and any other officer or personnel of the Executive Branch, or between the Department and any entity supporting the Department in this activity including, but not limited to governmental agencies and contractors. Also provide all records or logs of such communications

23. In addition to acting on requests for assistance, what actions, if any, did the Department take to render assistance or to perform response, recovery, or rescue missions? Under what authority or orders did those actions take place. For each such action, please specify:

- i) the date and time the action was initiated,
- ii) the organization and individual who initiated it,
- iii) the legal authority under which it was initiated,
- iv) the action taken,
- v) the entity tasked to take action,
- vi) the key personnel involved in initiating the action, and
- vii) the date and time the action was taken.

Please provide copies of all communications related thereto within the Department, between the Department and any other officer or personnel of the Executive Branch, or between the Department and any entity supporting the Department in this activity, including but not limited to governmental agencies and contractors. Also provide all records or logs of such communications.

24. What additional actions, if any, did the Department take after landfall, but prior to the declaration of the hurricane as an "Incident of National Significance" by the Secretary of Homeland Security on August 30, to place personnel or assets on alert or to pre-position them to respond to the event? Identify the units involved and the time and date action was taken. On what authority were these actions taken? And on what information or warnings were they based?

25. Describe the provisions of the standing Emergency Management Assistance

Compacts (EMACs) between state governments that govern deployment of National Guard resources and their use in responding to Hurricane Katrina. Were any changes made to the EMACs to respond to Hurricane Katrina? If so, describe the changes and provide any documents that refer or relate to these changes.

26. Describe the process through which requests for National Guard personnel and assets were coordinated and executed, including the role of the National Guard Bureau, in response to Hurricane Katrina and identify the organizations and individuals involved.

27. Identify and describe each request for National Guard personnel and assets to prepare for or respond to Hurricane Katrina or for assistance in coordinating such requests directed to the Department, including:

- i) the date and time it was received,
- ii) the organization and individual who received it,
- iii) the organization and individual who lodged the request,
- iv) the assistance requested,
- v) the Department's response to the request,
- vi) the date and time orders were issued to fulfill the request, and
- v) the date and time the requested assistance was actually provided.

Also provide copies of the documentation making such requests and all communications related thereto between the Department and any requesting entity, within the Department, between the Department and any other officer or personnel of the Executive Branch, or between the Department and any entity supporting the Department in this activity including, but not limited to governmental agencies and contractors. Also provide all records or logs of such communications.

28. Provide any documents that are related to the readiness of National Guard units to respond to Hurricane Katrina or similar natural disasters.

29. Were any Active Duty forces not deployed or delayed or limited in their deployment response to Hurricane Katrina because of concerns related to Posse Comitatus or other restrictions on their law enforcement or force protection authorities. If so, identify the mission and the date and the units involved. Provide all communications concerning the Posse Comitatus Act or other law enforcement and force protection implications of deployment of Active Duty forces in response to Hurricane Katrina among and between (A) Departmental elements, (B) the Department and entities requesting assistance, and (C) the Department and any official, employee or other personnel of the Executive Branch outside of the Department.


We request that these documents and information be provided as they become available but no later than October 27, 2005. If you or your staff have any questions concerning this request please contact Allison Boyd of the Committee's majority staff at 202-224-4751 or Dave

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Berick of the Committee's minority staff at 202-224-2627.

We thank you and your staff in advance for your cooperation.

Sincerely,

	
Susan M. Collins Chairman	Joseph I. Lieberman Ranking Member